

Remarks

Applicants are presently submitting amendments to the specification in order to correct obvious typographical errors and British spellings.

Claim 1 is amended in order to recite that the claimed CAstV-2 virus is a virus capable of inducing antiserum that neutralizes the deposited virus. Support for this amendment is found in the specification. “A neutralization assay that can be used to determine the immunological relationship is described in Example 2, below.” (page 2, lines 31-32). Following that procedure, the ordinary practitioner can determine whether any new chicken astrovirus type 2 within the scope of claim 1.

Claims 7, 8, and 9 are amended to adopt conventional USPTO claim language.

Claim 10 is amended to recite that the method for the protection of poultry comprises administering the vaccine of claim 4 to poultry.

In the office action of March 1, 2007, claim 7 is objected to for being in improper form. It is believed that with the present amendment the objection to claim 7 is overcome.

Claim 1 stands rejected under 35 U.S.C. 112, first paragraph, on the basis of written description. The Examiner has objected to the use of the phrase “immunologically related.” Claim one has been amended to delete that phrase and define the claimed chicken astrovirus type 2 as being the deposited virus as well as CAstV-2 virus that is able to induce antiserum that neutralizes the deposited virus. As mentioned above, a neutralization assay for this purpose is described in Example 2. Accordingly, the ordinary practitioner can readily determine whether or not a chicken astrovirus is within the scope of the present claims. Applicants have provided three different isolates of the novel chicken astrovirus type 2 according to the invention, which were used to illustrate the inducement of antiserum that neutralizes the deposited virus as compared with chicken astroviruses that did not come within that definition. Applicants have demonstrated what does and does not come within the scope of the claims.

Claim 1 stands rejected under 35 U.S.C. 112, first paragraph, for lack of enablement.

It is respectfully submitted that the rejection of claim 1 is overcome with the present amendments.

In recognition of the Examiner's citation of *in re Wands*, it is respectfully pointed out that the elements directed to the quantity of experimentation (1), the guidance provided (2), the presence of working examples (3), are all fulfilled by Applicants' Example 2. The nature of the invention is a specific type of chicken astroviruses (4), which is clearly understood by those of skill in the art (5) and (6). The science of poultry viruses and determination of similarity and dissimilarity, particularly through neutralization assays is significantly well developed.

Determination of whether or not a virus is within the claimed CAstV-2 strains can be determined following the knowledge in the art using, for example, three publications cited in paragraph 4 on page 2, as well as the relatedness assay described in the publication referenced in paragraph 2 on page 3. Moreover, a complete description of a neutralization assay to determine whether or not a virus is within chicken astrovirus type 2 claimed is provided in Example 2. The ordinary practitioner can determine based on the information provided within the specification, particularly following the procedures provided in Example 2, whether or not any particular chicken astrovirus is within the present claims.

Claim 10 stands rejected under 35 U.S.C. 112, first paragraph because the specification, while being enabling for a vaccine administered to poultry, is not enabling for a vaccine administered to animals.

Claim 10 is now amended to recite that the vaccine is administered to poultry.

In view of the above it is believed that claims 1 and 4-10 are in condition for allowance. Favorable action is solicited.

Should the Examiner consider that a conference would be helpful in advancing the prosecution of this application, she is invited to telephone Applicants' attorney at the number below.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Respectfully submitted,



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